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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,941	03/09/2004	John C.W. Ngan	2558	4474

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EXAMINER

ZEWARI, SAYED

ART UNIT PAPER NUMBER

2687

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,941	<b>Applicant(s)</b> NGAN, JOHN C.W.	
	<b>Examiner</b> Sayed T. Zewari	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "IEEE 802.11" in claim 3 is a relative term which renders the claim indefinite. The term "IEEE802.11" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. IEEE 802.11 is a protocol that can change with time as new versions are introduced and thus when used in a claim is a relative term since the specification does not state the version of the protocols it refers to.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 5-8, and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase et al (US 6,941,146) in view of Girard et al (US 2002/0132635).

Considered claim 1, Knauerhase discloses a wireless telephone with selectable transmission modes for a call from said wireless telephone to a remotely-located receiver (see Abstract line 1-4, column 2, lines 9-22 and column 3, lines 19-43, and column 7 lines 25-26). Knauerhase discloses said selectable transmission modes comprising a first wireless communication mode and a second wireless communication mode (See col. 3 Lines 19-42, where Knauerhase is discussing two transceivers and two protocols thus two modes). Knauerhase discloses said telephone (110, figure 1) comprising: a user interface for user input of a dialing string for initiation of said call (See col. 2 lines 9-56, Knauerhase discusses a mobile phone that performs connectivity and shows a dial pad). Knauerhase discloses a first transceiver for communication in accordance with said first communication mode; a second transceiver for communication in accordance with said second communication mode (col. 3 lines 19-43).

Knauerhase discloses a memory storing software comprising a set of instruction for responsively selecting said first transceiver or said second transceiver for said call depending on connectivity options available to the phone (See col. 2 lines 11-22, col. 3 lines 19-65, col. 5 lines 34-39, col. 6 line 10-30).

Knauerhase discloses software that selects a first transceiver or a second transceiver for the mode of communication, however does not specifically disclose selecting said first transceiver or said second transceiver for said call depending on the contents of said dialing string. Girard teaches selecting said first transceiver or said

second transceiver for said call depending on the contents of said dialing string (See section [0010], [0018]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Knauerhase and have said first transceiver or said second transceiver for said call depending on the contents of said dialing string, as thought by Girard, thus making the device easier to use, as discussed by Girard ([0005]).

Considered claim 6, Knauerhase discloses a method of selecting a transmission mode for a call between said wireless telephone and a remotely located receiver (see Abstract line 1-4, column 2, lines 9-22 and column 3, lines 19-43, and column 7 lines 25-26). Knauerhase discloses said wireless telephone having a first transceiver for communication in accordance with a first communication mode and a second transceiver for communication in accordance with a second communication mode (See col. 3 Lines 19-42, where Knauerhase is discussing two transceivers and two protocols thus two modes). Knauerhase discloses the said first a cellular telephony mode and said second communication mode being a local, free, non-cellular wireless communication mode (See col. 1 lines 14-44, col. 3 lines 44-64, col. 5 lines 10-20, where Knauerhase discusses cost of service and hotspots known to be free). Knauerhase inherently discloses receiving a dialing string from a user of the telephone for initiation of said call (See col. 2 lines 1-22, where Knauerhase discusses a cellular phone and connectivity). Knauerhase discloses establishing a communications session

in accordance with said second communication mode between said wireless telephone and said receiver (See col.2 lines 9-22).

Knauerhase discloses software that selects a first transceiver or a second transceiver for the mode of communication, however does not specifically disclose detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode. Girard teaches detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode (See section [0010], [0018]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Knauerhase, and detect attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode; obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode, as thought by Girard, thus making the device easier to use, as discussed by Girard ([0005]).

With respect to claim 2 and 7, Knauerhase discloses a remote transceiver device comprising of many different transceivers including Bluetooth family transceivers, therefore Knauerhase inherently discloses said remotely located receiver comprises a

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Bluetooth enabled device and wherein said second transceiver comprises a Bluetooth transceiver (See figure 3, col.3 lines 25-43, where Knauerhase discusses the first transceiver can be Bluetooth, therefore the remote second device can be Bluetooth).

With respect to claim 3 and 8, Knauerhase discloses a said second transceiver comprises of 802.11 family transceivers (See figure 3, col.3 lines 25-43, where Knauerhase discusses the first transceiver can be Bluetooth or IEEE 802.11, therefore the remote second device can be Bluetooth).

With respect to claim 5, Knauerhase modified by Girard discloses that his mobile device contains memory which is used to store the alias records. This alias record includes an alphanumeric field, and a first calling number corresponding with a first mode of communication and a second number corresponding with the second mode of communication (See Girard [0012], figure 2).

With respect to claim 10, Girard discloses that his mobile device contains memory which is used to store the alias records. This alias record includes an alphanumeric field, and a first calling number corresponding with a first mode of communication and a second number corresponding with the second mode of communication (See Girard [0012], figure 2).

Claim 4 & 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knauerhase in view of Girard as applied to claims 1 and 6 above, and further in view of Malackowski et al.(6,411,803)

Regarding claim 4 & 9, Knauerhase and Girard do not specifically disclose said dialing string comprises a sequence of alphanumeric characters, and either # or \*

preceding or following said alphanumeric characters. Malackowski teaches said dialing string comprises a sequence of alphanumeric characters, and either # or \* preceding or following said alphanumeric characters (See col. 14 lines 40-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Knauerhase and Girard, and have said dialing string comprises a sequence of alphanumeric characters, and either # or \* preceding or following said alphanumeric characters, as discussed by Malackowski, thereby using a standard method of indicating of desired access to a special system, as discussed by Malackowski, (col.1 lines 10-30).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sayed T. Zewari whose telephone number is 571-272-6851. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sayed T. Zewari

October 3, 2005

  
NICK CORSARO  
PRIMARY EXAMINER